App F IX 4

Previous References
e m 30-50-2

19 52-53
( e m )

File No 27-52
Serial Nos 43, 44

26 E

Later References

# GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for Dec 52

SUBJECT

Rules for the Election of Mayor & Deputy Mayor of the Corporation of the city of Bangalore

L 15402/By 5/12/52

The compiler mys gazette Notifications

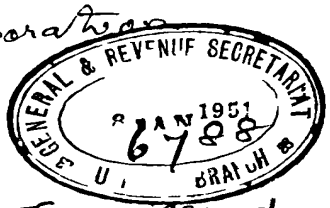
WD 010801—GPB—25 000—18-9-50

EC 13 12/52

3032/LD

Rules for the election of the Mayor or the Dy. Mayor of the Corporation

—




The above Rule have been issued with notification No L 5321/C M 49-49-4 dated 2-12-49 before the Commencement of the Corporation on 8 12 49 and is therefore a proper for Consideration whether notification (Enquiries) to be issued under "Sec 68 of the Corporation Act

2) Any Act comes into force on the day the Bill as passed by the Legislature receives the assent of the Governor The Corporation Act received the assent of the Governor on 16 9 49 and hence on the day the above notification was issued the Act may perhaps be deemed to have come into force

3) It is also understood that under the General Clauses Act, any Rules issued ~~power to an Act~~ under any Act prior to its coming into force shall have effect from the date ~~of its coming~~ the Act ~~law~~ on which it comes into force

4) The Law Secretary may therefore be consulted whether it is necessary to re-issue the above notifications under Sec 68 of the Corporation Act

11/2/51. 5) The Law Secretary may be consulted

6) Law Secy for favour of opinion please

(L S & Secy (L))

6/1/51

BY LAW
§ 265

8 JAN 1951

Rules for the election of the Mayor and Deputy Mayor of the corporation

4363 Law
6778 MS
3035 LB

) Legal opinion has been sought if any, this can be offered. Law Branch

9/1/51
Mas 9/1/51

Law Secy 9/1/51
1355
12/1 Mas 13/1

fr 13/1

Law Br)

9) The notification (Fl K) re, rules of election of Mayor and Deputy Mayor, have been issued in exercise of powers under sec 439 of the Corporation Act It is dated 2nd December 1949 But according to the Notification dated 2-12-1949, issued under sec 436(1) of the Act, the Act came into force on 8-12-1949 The former notification also will have to be deemed to come into force from the date the Act came into force

10) Again, the notification under sec 139 relates to transitional provisions and sec 68 relates to the provisions after the Act came into force The rules may have to be published separately under sec 68 of the Act

11) The Legislation may also be consulted

SECRETARY LAW DEPT
17 JAN 1951

fr 17/1

Law Secy 1355 9/2/51

Legislation Mgr

Submitted for kind perusal
Mas 9/2/51

Rules for the election
of the Mayor and the Deputy Mayor
of the Corporation

6782 / 10 — 3035 / LD — 4363 Laws — 6778 / 1/3

12) The Legislation Branch has
no further remarks to offer.
The administrative Section will be
requested to take action as suggested
by the Law Dept

Secy 12/2/51 — Law Secy) 1851 — 25/21 — MMS 12/2 — 14/2

MMS 12/2/51 — L S & Secy) MMS 12/2

12575 — 26/2 — MS 27/2 — MS 26/2

13) Under Sec 68 of the Corporation Act these
Rules are required to be made by the Council
The Law Secretary has opined that these
Rules have to be published separately apart
under Sec 68 of the Act

16) Steps for orders whether the elected
Corporation have been come
into existence. The Govt may be consulted
once again about the finalisation of the Rules
before their Republication

17) Suggestions at para 16 may
be agreed L S & Secy) MS 17/3

18) To discuss when
MMS 20/3 — MS 21/3

19) Please put up a copy
of the Rules — Secy 21/3/51

20) MS 20/3 — Col 4 copies of Rules
to be put up (Flag X)
Secy 7/3/51

13239 — 17/3 — 19/3

6788/M 3413/M Rules for the Election of Mayor and Deputy-Mayor of the Corporation

21) The Corporation may be Consulted

MS 3/4/52 MS 3/4

22) Draft Called by the Concern Corporation to put up for approval

MS 5/4/52 JM

23) Issue MS 6/4

Issued L 324 dated 16 4 52

To The Comm Corporation of the City of Bâle

Rs 16/4

Returned

JM 11/5/52

24) Send with a Do remainder for apple

MS 16/5/52

25) Issue

L 11674 / dated 21-1 52

Remds

Bâle Corporation

Bâle Concern

No. Gl- 36/51-52 Dt 29 7 52

Requests the corporation called for

26) The Corporation at the meeting held on 18 7 52 has approved the Recommendation of the Taxation Appeals Committee that no changes as the Rules be called for

Rules for civic elections of Mayor & Dy Mayor of
1392 Bangalore Corporation 1788 S 3413 3413/Rd
LD

Contemplated ci S 366 as an matter
is one which directly affects the
Corporation, as had been done on
previous occasion although no
specific mention is made in S 366
about S 68
3) If appl the advocate before
Court will be required to take
action accordingly

(Law Secy)
for
14/8

4 P U)
16 AUG 1952

Secy
14/8/52

Mas
14 8 52 - 3) I see no need merely to
repeat/publish rules already made
under sec 439 - Rules under
sec 68 must provide for matters
prescribed in cl (a) to (h) of
sec 68(2) They are to be also
published & made in accordance
with sec 366

Secy Legs)

for
24/8

for
25/8/52

25/8

Rules for the Election of Mayor and the Deputy Mayor of the Bangalore Corporation



General and Revenue Secretariat | File No 34 13/2nd of 19

WD 014428—GPB—40 000—13-7 51

Serial No

34) Clause (a) of Section 68(2) empowers the Government to make rules to provide for the adjudication by the Court of the District Judge, Bangalore District of disputes arising out of elections and for an appeal on a point of law to the High Court from the decision of the District Court Separate Rules in this behalf have been framed and issued in Notification No L 5148/ C M 30-50-2 dated 11 -8-1950 which perhaps are to be deemed as being of general applicability to all the elections of the Corporation and which may even otherwise be made to serve as such by some minor amendments It is therefore for consideration whether such a provision is again to be made in the present rules for the election of the Mayor and the Deputy Mayor If this should be so, it naturally follows that all the other Rules viz , Rules for the Election of Councillors, for the Election of Aldermen for the seats reserved for Trade and Commerce and for seats reserved for Labour now in force ~~and~~ should be scrapped and fresh Rules issued to include this provision in each of them individually and distinctly

35) Clause (b) of Section 68(2) envisages making provision for all matters not expressly provided for in the Act relating to the election of Mayor, the Deputy Mayor Councillors or Aldermen including deposits to be made by candidates standing for elections as Councillors and the conditions under which such deposits may be forfeited

36) The Rules already made provides for all matters connected with the election of Mayor and Deputy Mayor and has been found to have satisfied the requirements

NOTE—Contn Sheet.

Serial No

in the two previous successive elections The Corporation which reconsidered these Rules again now has also expressed them to be suitable As regards deposits this is not contemplated for the election of Mayor and the Deputy Mayor, but is only in respect of the election of Divisional Councillors

37) The republication of the Rules under Section 68 was proposed with the object of giving the same a permanent legal validity, as the Rules have been previously issued under the Transitional provisions which the Act intends to be invoked only for the purpose of bringing the Corporation into being This was also done according to the Law opinion as expressed after examination both in the Law and Legis Branches at paras 9 to 13 above, where such a suggestion was not made, though desriable it was

38) Since the Corporation has considered the Rules now in force to be quite suitable, the Law Department may be requested again to give its definite opinion in the light of the foregoing facts whether for the continuance of the present Rules issued under Section 439, there is no need for their republication under Section 68

RTC 30/8/82 39) The opinion of the Law Secretary is very clear The rules have to be published in accordance with Section 366 Therefore, these rules will be sent to the Complier Mysore Gazette for publication according to Section 366 (a)

Secy 30/8

Secy 31/8

Rules for the Election of Mayor and Dy. Mayor of the Blore Corporation 1392/LD

[App F III 2

General and Revenue Secretariat | File No 3413/rd of 1952-53

WD 014428—GPB—40 00 —13-7 51

Serial No

40) Yes, I agree. These have to be published. A copy may be sent to Comptroller and Auditor Copy to the Corporation as required under section 366(a). The matter should be expedited.

3/9/52

329

41) Draft notification for the publication of the Rules in the gazette and Draft letter to the Commr Blore Corpn forwarding the draft Rules as required by Sec 366 (a) of the Corporation Act is put up

42) The two drafts are for approval.

RDS 4/9/52

SDR 4/9

43) Put up four drafts both

MG

44) Four drafts are put up

45)

RDS 5/9/52

SDR 6/9

Secy dept) 46)

47) Fm. Secretariat before me

10/9/52

48)

Law Secy)

Secy

10/9

MM 11/9

5 SEP 1952

10 SEP 1952

11 SEP 1952

NOTE—Contn Sheet

Rules for the Election of Mayor and Deputy

File No 3413/Md Mayor & Dy Mayor Corpn &c. of 19 | General and Revenue Secretariat

Serial No

1392/LD 3413/Md

49) Reference is invited to paras 31 & 33 and Law Secy's orders at para 33. The draft rules have to provide for adjudication of disputes arising out of elections. The Commissioner will be required to take action as suggested at para 33

Law Secy) 15/9/52

50) Mar 15/9/52

Secy Law) 51) 19/9

22/9/1

52) The draft Rules are revised providing for adjudication of disputes arising out of elections and a typed copy thereof put up for consideration and approval by the Law Secretary tomorrow

Rec 1/10/52 3/10

Secy Law) 53) 3/10/52

Law Secy)

17 SEP 1952

6 OCT 1952

6 OCT 1952

Sri Krishna Mar 6/10/52

Secy 6/10

Rules for the clearing house
and [illegible]

[illegible]

[illegible]

[

3413
Rel

Rules for the Election of the Mayor or the Deputy Mayor of the Corporation

To the Comm Computer
Mysore Gazette

B
5/12/52

L 15402/CM 27-52-44 dated 5/12/52

Issues —

Appendix F G—

SUBJECT

Section

File No

Serial No

No L 3214/51

To 16 & 51

*Diary No of letter replied to*

General and Revenue Secretariat

( )

*the* 19

Date of issue

Signed by

List of enclosures

Copied by

Examined by

The Commissioner over
Corporation of the City of Bombay
(through the Mayor)

Sir,

I am forwarding herewith
a copy of notification no. L 5321/
C of 49-49-4 dated 2 12 49
on the I am directed to say
that the Rules for the election of
the Mayor and Deputy Mayor, which
were issued under the Transitional
provisions Require to be
reissued now under Sec 68 of
Act in view of the full fledged
Corporation coming into existence
Before Govt later on further action
in this behalf, if it is considered desirable that
the Corporation be constituted Corporation
Expresses an opinion on the Rules
of the Rules I am to Request

You therefore to place the Rules before
the Corporation and furnish the
Views thereon

A very early Reply is Requested

Yours faithfully

MS
6/4

for L S G Secy

Rae
5/4/15
JM

# CORPORATION OF THE CITY OF BANGALORE

3413 AUG 1952

No G1 136/51-52 Enc two

CM2)-52-43 CORPORATION OFFICES
BANGALORE

Dated 29th July 95 2

FROM

THE COMMISSIONER
CORPORATION OF THE CITY OF BANGALORE
BANGALORE

1 AUG 1952

To

The Secretary to the Government of Mysore,
Local Self Government Department
BANGALORE

Sir MAS

SIR

SUBJECT - ~~R.Proceedings~~ ISSUE OF THE RULES FOR THE ELECTION OF THE MAYOR AND THE DEPUTY MAYOR UNDER SECTION 68 OF THE CORPORATION ACT OF 1949

---

With reference to your letter No L 324 dated the 16th April 1951 I write to state that the above subject was placed at the meeting of the Corporation held on the 18th July 1952 and they referred it to the Taxation Appeals Committee for furnishing a report The committee after deep deliberation at its meeting held on the 5th July 1952 recommended that the present rules issued under the - Transitional Provisions order do not call for a change- vide copy of the proceedings enclosed This recommendation was again placed at the meeting of the Corporation held on thr 18th July 1952 and it was approved by them- vide copy of the resolution enclosed

FOR ARDED WITH COMPLIMENTS

B V Lankappa

(B V ~~LANKAPPA~~)
MAYOR

Yours faithfully,

B M Abu Baker

(B M ABU BAKER)
COMMISSIONER

30/7

RESOLUTION PASSED AT THE ORDINARY GENERAL MEETING OF THE CORPORATION OF THE CITY OF BANGALORE HELD ON 18TH JULY 1952

---

ADDITIONAL
SUBJECT NO 2 Recommendation of the Taxation Appeals Committee, dated 5-7-1952, that no change is called for in the rules for the election of the Mayor and the Deputy Mayor issued under the Transitional Order 1949, (Report called for by the ~~xxxxxxxxx~~ Corporation on 18-7-1952 on the letter dated 16-4-1951, from the Secretary to Government L S G Department)

Sri C Rajagopalachar, moved the following resolution -

"Resolved that the recommendation of the Taxation Appeals Committee dated 5-7-1952 that no change is called for in the rules for the election of the Mayor and the Deputy Mayor issued under the Transititon~~a~~l Provisions Order, 1949, be approved "

Sri A V A Ram, seconded the resolution and it was passed

Sd/- B V Lankappa

MAYOR,
CORPORATION OF BANGALORE

" C O P Y '

N Siddalingappa
(N SIDDALINGAPPA)
FOR COMMISSIONER

VKR 30/7/52

30/7

Meeting of the Taxation Appeals Committee

PROCEEDINGS OF THE [illegible] HELD AT 4-30 P M ON SATURDAY THE 5TH JULY 1952 AT THE LAYO HALL CIVIL STATION, BANGALORE

MEMBERS PRESENT -

Sri V P Dhcenadayalu Naidu B A LL B ,Chairman,
Sri S Y Venkataranga Iyengar, B A ,LL B ,
Sri G V Chellam

OFFICERS
The Asst Revenue Officer, Civil Area,
The Asst Revenue Officer, City Area

1 Letter No L 324 dated 16-4-1952 from the Secretary to the L S G Department calling for the opinion of the reconstituted Corporation as to the suitability of the rules for the election of the Mayor and Deputy Mayor issued under the Transitional Provision as the same has now to be re-issued under Section 68 of the Act and the resolution of the Corporation dated 18th July 1951, thereon that the matter be referred to the Taxation Appeals Committee for placing a report before the Corporation

The Committee had the advantage of going through the rules made by the Bombay Corporation under the City of Bombay Municipal Act with the Transitional rules which the Government had issued under the Transitional Provisions

Government have called for the opinion of the Corporation as to whether the Corporation would have any opinion to offer on the suitability of the present rules as they require to be-re-issued under section 68 of the Act in view of the full fledged Corporation having come into existence

There are only 3 differences between the rules for the election of the Mayor as prevelant under the City of Bombay Municipal Act and the Transitional rules now prevailing (1) In Bomaby, the nomination of the Mayor should take place at least three clear days before the day of meeting The Transitional rules provide for the nomination being made at the meeting (2) A candidate duly nominated under the City of Bombay Municipal Act can only withdraw his candidature with the consent of the proposer and seconder or any one of them who is present at the meeting Under the Transitional rules the candidate may withdraw at any stage and no consent of the proposer and or seconder is needed (3) In the case of equality of votes Rule 11 of the rules framed under the provisions of the City of Bombay Municipal Act impliedly provide for selction by the use of the casting vote of the - Chairman The Transitional Rules provide for selection by drawing up lots

P T O

We have anxiously considered whether the Transitional rules require any modification particularly in the light of the rules for the election of the Mayor under the City of Bombay Municipal Act We feel that no change is necessary In the practical working of the present rules there is no difficulty felt in handing over the nomination at the meeting Our rules aim at expeditious selection at the meeting convened for the election There is no object served in giving three days notice or any prior notice Similarly there seems to be a good deal of force in the candidate being allowed to withdraw without the consent of the proposer or seconder as it ought to rest with the candidate to decide whether he is going through the election or not The consent of the proposer and or seconder would be a mere formality which we feel is not necessary or desirable

The method of drawing lots in order to decide the final selection in the contingency of equality of votes has been in vogue from a long time, not only under the Provisions of the City Municipalities Act in the State but also in other places in India That will save the Chairman considerable embarrasment The chairman who is expected to always keep impartiality in the forefront should not be drawn in to exercise his second or casting vote as the case may be in favour of one or the other of the contestants In our opinion therefore even in regard to this the present rules do not call for a change, on the other hand we feel that it is an improvement over the rule prevailing in Bombay

We therefore feel that no change is called for and if the Corporation approves of this opinion, a report may be sent to Government accordingly

Sd/- V P /Dheenadayalu Naidu,

CHAIRMAN,
TAXATION APPEALS COMMITTEE

" C O P Y

N Siddalingappa
(N SIDDALINGAPPA),
FOR COMMISSIONER,
CORPORATION OF BANGALORE

VR
30/7/52

C M 27-52 44

L 15402

Dt 4/12/52

NOTIFICATION

In pursuance of Section 366 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act No LXIX of 1949), the draft of the following Rules which it is proposed to make under Section 68 of the said Act is hereby published, as required by caluse (a) of the said section 366 and the draft will be taken up for consideration ~~six weeks after~~ on or after [ ] 53 (date to be kept open) the publication of this Notification in the Mysore Gazette

Any suggestions with respect to the said draft received by the Secretary to Government, Local Self Government Department, Bangalore 1 ~~within the said period of six weeks~~ before the said date will be considered by the Government of Mysore

1 RULES FOR THE ELECTION OF THE MAYOR OR THE DEPUTY MAYOR OF THE CORPORATION

1 At a meeting of the Corporation held for the purpose of election of the Mayor or Deputy Mayor, any Councillor may nominate another Councillor for election by delivering to the person presiding at the meeting a nomination paper signed by himself as proposer and a third councillor as Seconder, and stating (a) the name of the Councillor nominated, and (b) that the proposer has ascertained that such Councillor is willing to serve as Mayor or Deputy Mayor, as the case may be, if elected The names of all candidates proposed and seconded shall be read out by the person presiding at the meeting and the votes of the Councillors present at the meeting shall then be taken by ballot The Commissioner shall make adequate arrangements for securing the privacy of the ballot

2 Every Councillor wishing to vote shall be supplied with a voting paper on which the names of all the candidates shall be printed or typed in the foll

following form -

| Name | Vote |
|---|---|
| (1) | |
| (2) | |
| (3) | |
| (4) | |

Each Councillor shall then proceed to the place set apart for the purpose and there place a cross mark against the name of the candidate for whom he wishes to vote He shall then fold up the voting paper so as to conceal his vote and deposit the same in a ballot box The ballot box shall be so constructed that the voting paper may be placed therein but not extracted therefrom without the box being opened The person presiding at the meeting shall then open the box and count the votes in the presence of the Councillors and declare the result of the election

3 If there is only one duly nominated candidates no ballot shall be necessary ard he shall be considered to have been elected, provided that the proposal is carried by a resolution of the Corporation at the same meeting If no such resolution is passed, a fresh election shall be held forthwith in accordance with these rules

4 (1) If there are two candidates the one who secures the larger number of votes shall be declared to have been elected If there is an equality of votes between the two candidates, the person presiding at the meeting shall draw lots in the presence of the Councillors and the person whose name is first drawn shall be declared to have been elected

(2) If there are more than two candidates, the one who obtains the smallest number of votes shall be eliminated and the votes taken again If ~~there~~ there is an

If there is an equality of votes among all the candidates or if two or more candidates last in the list have obtained an equal number of votes, a ballot shall be taken in order to decide which of them shall be eliminated If at such ballot there is an equality of votes, a further ballot shall be taken, and if the further ballot is also indecisive, the person presiding at the meeting shall ascertain by drawing lots in the presence of the Councillors which of the candidates shall be considered to have been eliminated The elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the larger number of votes shall be considerd to have been elected If there is an equality of votes at the final stages, between the two remaining candidates, the person presiding at the meeting shall draw lots in the presence of the Councillors and the person whose name is first drawn shall be declared to have been elected

5 No candidate shall take part in a ballot, but a candidate may withdraw at any stage and after such withdrawal, he may take part in any ballot Similarly, a candidate who has been eliminated at any stage under sub-rule (2) of rule 4 may take part in any ballot at subsequent stages

6 Any voting paper which contains the signature or writing of any of the voting Councillors or on which a cross mark is made against more than one name shall be invalid

7 ~~[Save as otherwise provided,]~~ No election of the Mayor or Deputy Mayor ~~[held under the City of Bangalore Municipal Corporation Act, 1949,]~~ shall be called in question except by an election petition presented in accordance with these rules to the Court of the District Judge, Bangalore Division, (hereinafter referred to as the Court) by any candidate

against the candidate (hereinafter called the returned candidate) who has been declared to have been duly elected

8 The petition shall be presented within seven days of the date of the declaration of the result of the election and shall contain a statement, in concise form, of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges, and shall where necessary be divided into paragraphs numbered consecutively It shall be signed by the petitioner and verified in the manner prescribed for the verification of the pleadings in the Code of Civil Procedure, 1908

9 The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected, in such case he shall join as respondent to his petition all other candidates who were nominated for the election ~~but had not withdrawn before the polling~~

10 (1) At the time of the presentation of the petition, the petitioner shall deposit with it, as security for the costs of the same, a sum of two hundred rupees in cash

(2) If the provisions of sub-rule (1) are not complied with, the Court shall dismiss the petition

(3) Upon compliance with the provisions of sub-rule (1), the Court shall proceed to enquire into the petition

11 The Court shall, as soon as may be, cause a copy of the petition to be served on each respondent and on the Commissioner of the Corporation of Bangalore Copies shall also be affixed to the Notice Board of of the Court and of the Municipal Office It may also call on the petitioner to execute a bond in such amount and with such sureties as it may re-

require
for the payment of any further ~~xxxx~~ costs At an time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on furnishing similarly such security as may be demanded by the Court

12 Every election petition shall be enquired into by the Court as nearly as may be, in accordance with the proceedure, applicable to the trial of SUITS IN THE COURT OF THE DISTRICT JUDGE, BANGALORE ~~XXXX~~ DIVISION

13 (1) No election petition shall be withdrawn without the leave of the Court

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners

(3) When an application for withdrawal is made, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published as specified in Rule # 11.

(4) No application for withdrawal shall be granted if the Court is of opinion that such application has been irduced by any bargain or consideration which, it considers, ought not to be allowed

(5) If the application is granted

(a) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Court may think fit and

(b) Such withdrawal shall be communicated to the Commissioner of the Corporation by the Court

14 ~~14~~ An election petition shall abate on the death of a sole petitioner of of the survivor of several petitioners and such abatement shall be communicated to the Commissioner of the Corporation by the Court

15 ~~15~~ Where at any inquiry into an election petiti

any candidate other than the returned candidate, claims that he has been elected, himself, the returned candidate or any other party to the proceeding may give evide to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election

16 At any enquiry into an election petition the Commissioner of the Corporation of Bangalore may appoint a legal practitioner or other person to attend and take such part therein as the court may allow

17 If in the opinion of the Court -

(a) the returned candidate, his agent or any other person with the connivance of such candidate or agent has committed or abetted the Commission of, any election offence punishable under Section 69 of the Act or under Chapter IX-A of the Indian Penal Code, or

(b) the election of the returned candidate has been procured or induced or the result of the election has been materially affected by any of the following corrupt practices - namely

(i) any election offence punishable under Section 69 of the Act or under Chapter IX-A of the Indian Penal Code, when committed by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent

(ii) any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote,

(iii) the hiring, employent borrowing or using for the purpose of electionof any vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire,

Provided that any elector may hire any vehicle or animal, which is his own property to convey himself or from the place where the vote is recorded

(iv) the hiring, using or letting as a committee

room or for the purpose of any meeting to which electors are admitted of any building, room or ot place where intoxicating liquor is sold to the pu

OR

(c) the result of the election has been materi affected by any irregularity in respect of any nomi nation or the improper acceptance of refusal of any nomination of by the improper reception or refusal of a vote, or by any non-compliance with the provisions of the Act of the rules made thereund the election of the returned candidate shall be void; subject to the provisions contained in the rule 12 below

Provided that if the Court is of opinion that any corrupt practice specified in clause (b) of this rule, which does not amount to any form of bribery other than treating as hereinafter explained, has been committed and if the Court is further of opinion that the candidate has satisfied it that

(a) no corrupt practice was committed at such election by the candidate and that any corrupt practices committed were committed contrary to the orders and without the sanction or connivance of such candidate and

(b) such candidate took all reasonable means for preventing the commission of corrupt practices at such election and

(c) the corrupt practices committed were of a trivial, unimportant and limited character, and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents; then the Court may find th that the election of such candidate is not void

EXPLANATION For the purpose of this rule 'treating' means the incurring in whole or in part by any person of the expense of giving or providing any foo drink, entertainment or provision to any person wit the object directly or indirectly, of inducing him any other person to vote or refrain fromvoting or a

a reward for having voted or refrained fromvoting

~~18~~ If the validity of the election brought in question only on the ground of an error by the ~~Officer or officers~~ person or persons charged with carrying out the rules ~~made under Section 68 of the Act~~ or of an irgularity or informrality not corruptly caused, the Judge shall not set aside the election

EXPLANATION The expression 'ERROR' in this Sub ~~Section~~ rule does not include any breach of or any omission to carry out or any non-compliance with the provisions of ~~this Act or~~ Rules ~~made thereunder~~ whereby the result of election has been materially affected

19-~~19~~ (1) At the conclusion of the ~~enquiry~~ enquiry the Court shall declare whether the election of the returned candidate is void under Rule ~~11~~ 17

(2) If it declares the election of the returned candidate void, it shall further pass an order, either

(a) declaring that any other party to the petition who had under these rules claimed ~~the seat~~ office has been duly elected, or

(b) ordering a fresh election

(3) The order of the Court under Sub-rules (1) and (2) shall subject to the decision of the High Court under Rule ~~21~~ 15(2) be final

(4) A copy of every order under sub-rule (1) or sub -rule (2) shall be communicated to the Commissioner of the Corporation

20 When an election is declared void under sub-rule (1) of Rule ~~19~~ 19 and a fresh election is ordered under clause (b) of Sub rule (2) of Rule ~~19~~ 18, 19 the ~~seat of the returned candidate~~ office of the Mayor or Deputy Mayor shall be deemed to be vacant from the date of the order of the Court and the authority concerned shall fortnwith take the necessary steps for holding such fresh election

21 An appeal shall lie to the High Court from the

GOVERNMENT OF MYSORE.

General and Revenue Secretariat

No L 15402/c M 27-52-44 *Dated Bangalore* 5/12/ 1952

**NOTIFICATION.**

In pursuance of Section 366 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act No L XIX of 1949), the draft of the following Rules which it is proposed to make under Section 68 of the said Act and in supersession of the Rules published in Notification No L.5321/CM 49-49-4 dated 2nd December 1949, in so far as they relate to the regulation of procedure for the election of the Mayor or the Deputy Mayor is hereby published, as required by clause (a) of the said Section 366 and notice is hereby given that the draft will be taken up for consideration on or after 1st January 1953.

Any suggestions with respect to the said draft received by the Secretary to Government, Local Self-Government Department, Bangalore-1 before the said date will be considered by the Government of Mysore.

## 1 RULES FOR THE ELECTION OF THE MAYOR OR THE DEPUTY MAYOR OF THE CORPORATION

1. At a meeting of the Corporation held for the purpose of election of the Mayor or Deputy Mayor, any Councillor may nominate another Councillor for election by delivering to the person presiding at the meeting a nomination paper signed by himself as proposer and a third Councillor as Seconder, and stating (1) the name of the Councillor nominated, and (2) that the proposer has ascertained that such councillor is willing to serve as Mayor or Deputy Mayor as the case may be, if elected The names of all candidates proposed or seconded shall be read out by the person presiding at the meeting and the votes of the Councillors present at the meeting shall then be taken by ballot. The Commissioner shall make adequate arrangements for securing the privacy of the ballot.

2. Every Councillor wishing to vote shall be supplied with a voting paper on which the names of all the candidates shall be printed or typed in the following form:-

| | Name | Vote |
|---|---|---|
| (1) | | |

from the order of the Court on a point of law and such appeal shall be preferred within one month from the date of such order, exclusive of the time requisite for obtaining a copy of the order

By order of and in the name ~~His Highness the Maharaja~~, Yuvaraja

Secretary to Government,
L S G Department

To

The Compiler, Mysore Gazette, for publication
next / in the/issue of the ~~xxxx~~ Gazette

knr/26 9/52 draft

NAME VOTE

(1)
(2)
(3)
(4)

Each Councillor shall then proceed to the place set apart for the purpose and there place a cross mark against the name of the candidate for whom he wishes to vote He shall then fold up the voting paper so as to conceal his vote and deposit the same in a ballot box. The ballot box shall be so constructed that the voting paper may be placed therein but not extracted therefrom without the box being opened The person presiding at the meeting shall then open the box and count the votes in the presence of the Councillors and declare the result of the election

3 If there is only one duly nominated candidates no ballot shall be necessary and he shall be considered to have been elected, provided that the proposal is carried by a resolution of the Corporation at the same meeting If no such resolution is passed, a fresh election shall be held forthwith in accordance with these rules.

4 (1) If there are two candidates the one who secures the larger number of votes shall be declared to have been elected If there is an equality of votes between the two candidates, the person presiding at the meeting shall draw lots in the presence of the Councillors and the person whose name is first drawn shall be declared to have been elected.

(2) If there are more than two candidates, the one who obtains the smallest number of votes shall be eliminated and the votes taken again If there is an equality of votes among all the candidates or if two or more candidates last in the list have obtained an equal number of votes, a ballot shall be taken in order to decide which of them shall be eliminated If at such ballot there is an equality of votes, a further ballot shall be taken, and if this further ballot is also indecisive, the person presiding at the meeting shall ascertain by drawing lots in the presence of the Councillors which of the candidates shall be considered to have been eliminated The elimi-

elimination shall be repeated until two candidates only are left, when votes shall be taken for the last time and the candidate who secures the larger number of votes shall be considered to have been elected If there is an equality of votes at the final stages, between the two remaining candidates, the person presiding at the meeting shall draw lots in the presence of the Councillors and the person whose name is first drawn shall be declared to have been elected.

5 No candidate shall take part in a ballot, but a candidate may withdraw at any stage and after such withdrawal, he may take part in any ballot Similarly, a candidate who has been eliminated at any stage under Sub-rule (2) of the Rule 4 may take part in any ballot at subsequent stages.

6 Any voting paper which contains the signature or writing of any of the voting Councillors or on which a cross mark is made against more than one name shall be invalid.

7. No election of the Mayor or Deputy Mayor shall be called in question except by an election petition presented in accordance with these rules to the Court of the District Judge, Bangalore Division, (herein after referred to as the Court) by any candidate against candidate (hereinafter called the returned candidate) who has been declared to have been duly elected

8 The petition shall be presented within seven days of the date of the declaration of the results of election and shall contain a statement, in concise form, of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges, and shall where necessary be devided into paragraphs numbered consecutively It shall be signed by the petitioner and verified in the manner prescribed for the verification of the pleadings in the Code of Civil Procedure, 1908.

9 The petitioner may, if he so desires, in addition to callings in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected, in such case he shall join as respondent to his petition all other candidates who were nominated for the election.

10 (1) At the time of the presentation of ~~of~~ the petition, the petitioner shall deposit with it, as security for the costs of the same, a sum of two hundred rupees in cash

(2) If the provisions of Sub-rule (1) are not complied with, the Court shall dismiss the petition

(3) Upon compliance with the provisions of sub-rule (1), the court shall proceed to enquire into the petition.

11. The Court shall, as soon as may be, cause a copy of the petition to be served on each respondent and on the Commissioner of the Corporation of Bangalore Copies shall also be affixed to the Notice Board of the Court and of the Municipal Office It may also call on the petitioner to execute a bond in such amount and with such sureties as it may require for the payment of any further costs At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respordent on furnishing similarly such security as may be demanded by the Court

12. Every election petition shall be enquired into by the Court as nearly as may be, in accordance with the procedure, applicable to the trial of SUITS IN THE COURT OF THE DISTRICT JUDGE, BANGALORE DIVISION.

13 (1) No election petition shall be withdrawn without the leave of the Court.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the corcent of all the petitioners

(3) When an application for withdrawal is made notice thereof fixing a date for the hearing of the application shall be given to all the other parties to the petition and shall be published as specified in Rule 11.

(4) No application for withdrawal shall be granted if the Court is of opinion that such application has been induced by ~~any~~ any bargain or consideration which, it considers, ought not to be allowed .

(5) If the application is granted

(a) the petitioner shall be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the

as the court may think fit, and

(b) Such withdrawal shall be communicated to the Commissioner of the Corporation by the Court

14 An election petition shall abate on the death of a sole petitioner or of the survivor of several petitioners and such abatement shall be communicated to the Commissioner of the Corporation by the Court

15 Where at any inquiry into an election petition any candidate other than the returned candidate, claims that he himself has been elected, the returned candidate or any other party to the proceeding may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

16. At any enquiry into an election petition the Commissioner of the Corporation of Bangalore may appoint a legal practitioner or other person to attend and take such part therein as the court may allow

17 If in the opinion of the Court -

(a) the returned candidate, or any other person with the consent of such candidate has committed or abetted the Commission of, any election offence punishable under Chapter IX-A of the Indian Penal Code, or

(b) the election of the returned candidate has been procured or induced or the result of the election has been materially affected by any of the following corrupt practice, namely -

any election offence punishable under Chapter IX-A of the Indian penal Code when committed by a person who is not a candidate or a person acting with the connivance of a candidate.

(c) the result of the election has been materially affected by the improper reception or refusal of a vote, or by any non-compliance with the provisions of these rules the election of the returned candidate shall be void, subject to the provisions contained in the rule 18 below:-

Provided that if the Court is of opinion that any corrupt practice specified in clause (b) of this rule, which does not amount

to any form of bribaery other than treating as herein-after explain has been committed and if the Court is further of opinion that the candidate has satisfied it that,

(a) No corrupt practice was committed at such election by the candidate and that any corrupt practices committed were committed contrary to the orders and without the sanction or connivance of such candidate, and

(b) such candidate took all reasonable means for preventing the commission of corrupt practices at such election, and

(c) the corrupt practices committed were of a trivial and unimportant and limited character, and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate

Then the Court may find that the election of such candidate is not void

EXPLANATION: For the purpose of this rule 'treating' means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object directly or indirectly, of inducing him or any other person to vote for refrain from voting or as as a reward for having voted or refrained from voting.

18 If the validity of the election brought in question only on the ground of an error by the person or persons charged with carrying out these rules of an irregularity or informality not corruptly caused, the Judge shall not set aside the election

EXPLANATION The expression 'ERROR' in this sub-rule doesnot include any breach of or any omission to carry out or any non-compliance with the provisions of these Rules whereby the result of election has been materially affected

19 (1) At the conclusion of the enquiry the Court shall declare whether the election of the returned candidate is void under Rule 17

(2) If it declares the election of the returned candidate void it shall further pass an order, either

(a) declaring that any other party to the petition who has under these rules claimed the office has been duly elected, or

(b) ordering a fresh election

(3) The order of the Court under Sub-rules (1) and (2) shall subject to the decision of the High Court under Rule 21 be final.

(4) A copy of every order under Sub-rule (1) or sub Rule (2) shall be communicated to the Commissioner of the Corporation.

20. When an election is declared void under Sub-rule (1) of Rule 19 and a fresh election is ordered under clause (b) of Sub rule (2) of Rule19, the office of the Mayor or Deputy Mayor shall be deemed to be vacant from the date of the order of the Court and the authorityconcerned shall forthwith take the necessary steps for holding such fresh election.

21. An appeal shall, lie to the High Court from the order of the Court on a point of law and such appeal shall be preferred within one month from the date of such order, exclusive of the time requisite for obtaining a copy of the order.

By order and in the name of
the Rajapramukh,

(V Hanumanthappa) 31/12
Secretary to Government,
L.S.G. Department.

FOR

To

The compiler, Mysore Gazette, for publication in the next issue of the Gazette.

knr-13/24.11

GOVERNMENT OF MYSORE

General and Revenue Secretariat

No L 15402/C M27-52-44 *Dated Bangalore* 5/12/ 1952

NOTIFICATION.

In pursuance of Section 365 of the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act No.L.XIX of 1949), the draft of the following Rules which it is proposed to make under Section 68 of the said Act and in supersession of the Rules published in Notification No.L.5321/C.M. 49-49-4 dated 2nd December 1949, in so far as they relate to the regulation of procedure for the election of the Mayor or the Deputy Mayor is hereby published, as required by clause (a) of the said Section 365 and notice is hereby given that the draft will be taken up for consideration on or after 1st January 1953.

Any suggestions with respect to the said draft received by the Secretary to Government, Local Self-Government Department, Bangalore-1 before the said date will be considered by the Government of Mysore.

1. RULES FOR THE ELECTION OF THE MAYOR OR THE DEPUTY MAYOR OF THE CORPORATION.

1. At a meeting of the Corporation held for the purpose of election of the Mayor or Deputy Mayor, any Councillor may nominate another Councillor for election by delivering to the person presiding at the meeting a nomination paper signed by himself as proposer and a third Councillor as seconder, and stating (1) the name of the Councillor nominated, and (2) that the proposer has ascertained that such councillor is willing to serve as Mayor or Deputy Mayor as the case may be, if elected. The names of all candidates proposed or seconded shall be read out by the person presiding at the meeting and the votes of the Councillors present at the meeting shall then be taken by ballot. The Commissioner shall make adequate arrangements for securing the privacy of the ballot.

2. Every Councillor wishing to vote shall be supplied with a voting paper on which the names of all the candidates shall be printed or typed in the following form:-

(1) Name Vote

(1)
(2)
(3)
(4)

Each Councillor shall then proceed to the place set apart for the purpose and there place a cross mark against the name of the candidate for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and deposit the same in a ballot box. The ballot box shall be so constructed that the voting paper may be placed therein but not extracted therefrom without the box being opened. The person presiding at the meeting shall then open the box and count the votes in the presence of the Councillors and declare the result of the election.

5. If there is only one duly nominated candidates no ballot shall be necessary and he shall be considered to have been elected, provided that the proposal is carried by a resolution of the Corporation at the same meeting. If no such resolution is passed, a fresh election shall be held forthwith in accordance with these rules.

6. (1) If there are two candidates the one who secures the larger number of votes shall be declared to have been elected. If there is an equality of votes between the two candidates, the person presiding at the meeting shall draw lots in the presence of the Councillors and the person whose name is first drawn shall be declared to have been elected.

(2) If there are more than two candidates, the one who obtains the smallest number of votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates or if two or more candidates last in the list have obtained an equal number of votes, a ballot shall be taken in order to decide which of them shall be eliminated. If at such ballot there is an equality of votes, a further ballot shall be taken; and if this further ballot is also indecisive, the person presiding at the meeting shall ascertain by drawing lots in the presence of the Councillors which of the candidates shall be considered to have been eliminated. The elimi-

elimination shall be repeated until two candidates only are left when votes shall be taken for the last time and the candidate who secures the larger number of votes shall be considered to have been elected. If there is an equality of votes at the final stages, between the two remaining candidates, the person presiding at the meeting shall draw lots in the presence of the Councillors and the person whose name is first drawn shall be declared to have been elected.

5. No candidate shall take part in a ballot, but a candidate may withdraw at any stage and after such withdrawal, he may take part in any ballot. Similarly, a candidate who has been eliminated at any stage under sub-rule (2) of the rule may take part in any ballot at subsequent stages.

6. Any voting paper which contains the signature or writing of any of the voting Councillors or on which a cross mark is made against more than one name shall be invalid.

7. No election of the Mayor or Deputy Mayor shall be called in question except by an election petition presented in accordance with these rules to the Court of the District Judge, Bangalore Division, (herein after may referred to as the Court) by any candidate against candidate (hereinafter called the returned candidate) who has been declared to have been duly elected.

8. The petition shall be presented within seven days of the date of the declaration of the results of election and shall contain a statement, in concise form, of the material facts on which the petitioner relies and the particulars of any corrupt practice which he alleges, and shall where necessary be devided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of the pleadings in the Code of Civil Procedure, 1908.

9. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in such case he shall join as respondent to his petition all other candidates who were contested for the election.

10. (1) At the time of the presentation of the petition, the petitioner shall deposit with it, as security for the costs of the case, a sum of two hundred rupees in cash.

(2) If the provisions of sub-rule (1) are not complied with, the Court shall dismiss the petition.

(3) Upon compliance with the provisions of sub-rule (1), the court shall proceed to enquire into the petition.

11. The Court shall, as soon as may be, cause a copy of the petition to be served on each respondent and on the Commissioner of the Corporation of Mangalore. Copies shall also be affixed to the Notice Board of the Court and of the Municipal Office. It may also call on the petitioner to execute a bond in such amount and with such sureties as it may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on furnishing similarly such security as may be demanded by the Court.

12. Every election petition shall be enquired into by the Court as nearly as may be, in accordance with the procedure, applicable to the trial of SUITS IN THE COURT OF THE DISTRICT JUDGE, MANGALORE FIXED ICF.

13. (1) No election petition shall be withdrawn without the leave of the Court.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made notice thereof fixing a date for the hearing of the application shall be given to all the other parties to the petition and shall be published as specified in Rule 11.

(4) No application for withdrawal shall be granted if the Court is of opinion that such application has been induced by any bargain or consideration which, it considers, ought not to be allowed.

(5) If the application is granted:

(a) the petitioner shall be ordered to pay the costs respondent theretofore incurred or such portion thereof as

as the court may think fit, and

(b) such withdrawal shall be communicated to the Commissioner of the Corporation by the Court.

14. An election petition shall abate on the death of a sole petitioner or of the survivor of several petitioners and such abatement shall be communicated to the Commissioner of the Corporation by the Court.

15. Where at any inquiry into an election petition any candidate other than the returned candidate, claims that he himself has been elected, the returned candidate or any other party to the proceeding may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election.

16. At any enquiry into an election petition the Commissioner of the Corporation of Bangalore may appoint a legal practitioner or other person to attend and take such part therein as the court may allow.

17. If in the opinion of the Court:-

(a) the returned candidate, or any other person with the connivance of such candidate has committed or abetted the Commission of, any election offence punishable under Chapter IX-A of the Indian Penal Code, or

(b) the election of the returned candidate has been procured or induced or the result of the election has been materially affected by any of the following corrupt practice, namely:-

any election offence punishable under Chapter IX-A of the Indian Penal Code when committed by a person who is not a candidate or a person acting with the connivance of a candidate.

(c) the result of the election has been materially affected by the improper reception or refusal of a vote, or by any non-compliance with the provisions of these rules the election of the returned candidate shall be void; subject to the provisions contained in the rule 18 below:-

Provided that if the Court is of opinion that any corrupt practice specified in clause (b) of this rule, which does not amount

to any form of bribery other than treating as hereinafter has been committed and if the Court is further of opinion that candidate has satisfied it that:

(a) No corrupt practice was committed at such election by the candidate and that any corrupt practices committed were committed contrary to the orders and without the sanction or connivance of such candidate; and

(b) such candidate took all reasonable means for preventing the commission of corrupt practices at such election; and

(c) the corrupt practices committed were of a trivial and unimportant and limited character; and

(d) in all other respects the election was free from any corrupt practice on the part of such candidate.

Then the Court may find that the election of such candidate is not void.

EXPLANATION: For the purpose of this rule 'treating' means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object directly or indirectly, of inducing him or any other person to vote for refrain from voting or as as a reward for having voted or refrained from voting.

18. If the validity of the election brought in question only on the ground of an error by the person or persons charged with carrying out these rules of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

EXPLANATION: The expression 'ERROR' in this sub-rule does not include any breach of or any omission to carry out or any non-compliance with the provisions of these rules whereby the result of election has been materially affected.

19. (1) At the conclusion of the enquiry the Court shall declare whether the election of the returned candidate is void under rule 17

(2) If it declares the election of the returned candidate void it shall further pass an order, either

(a) declaring that any other party to the petition who has under these rules claimed the office has been duly elected, or

(b) ordering a fresh election.

(3) The order of the Court under Sub-rules (1) and (2) shall subject to the decision of the High Court under Pule 21 be final

(4) A copy of every order under Sub-rule (1) or sub Rule (2) shall be communicated to the Commissioner of the Corporation.

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By order and in the name of
the Rajapramukh,

(sd) (A. S. Khaleel)
Secretary to Government,
Dm L S G Department

To

The compiler, Mysore Gazette, for publication in the next issue of the Gazette

Copy
Ramanaiah
for Secretary L S G
3/11

knr-13/24.11